

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

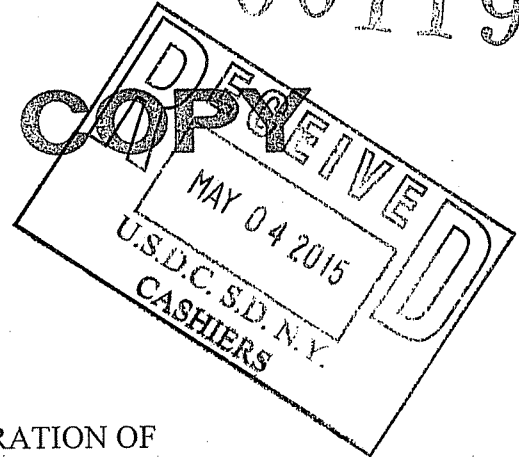
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IN RE: :

LETTER ROGATORY FOR :  
INTERNATIONAL JUDICIAL :  
ASSISTANCE FROM THE FIRST :  
FAMILY JUDGE OF THE SUPERIOR :  
COURT OF JUSTICE OF THE FEDERAL :  
DISTRICT IN MEXICO, IN THE MATTER :  
OF MONDRAGON MIER LAURA v. :  
JAIME GERARDO CARPENTER MIER :  
-----X

DECLARATION OF  
CARINA H. SCHOENBERGER

M 11-120

15 MISC 00119



I, Carina H. Schoenberger, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York, counsel for the United States of America (the "Government"). I make this declaration upon information and belief based upon the attached exhibits and communications with personnel in the United States Department of Justice, to which a letter rogatory has been transmitted for execution. I make this declaration in support of the Government's request, pursuant to 28 U.S.C. § 1782(a),<sup>1</sup> for an order appointing me as a Commissioner for the purpose of obtaining information from Morgan Stanley.

<sup>1</sup> Section 1782(a) provides, in pertinent part, as follows:

The district court of the district in which a person resides or

2. In connection with a proceeding captioned “Mondragon Mier Laura v. Jaime Gerardo Carpenter Mier,” and pending in the First Family Judge of the Superior Court of Justice of the Federal District in Mexico (the “Mexican Court”), the Mexico Court issued a letter rogatory seeking information from Morgan Stanley. A true and correct copy of the letter rogatory is attached hereto as Exhibit A.

3. An undated draft of a subpoena addressed to Morgan Stanley Legal Compliance Department, 485 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, which the Government intends to serve upon my appointment as Commissioner, is attached hereto as Exhibit B.

4. To assist the Mexico Court in obtaining the requested information, I respectfully request that this Court appoint me as Commissioner as proposed in the *ex parte* order attached hereto as Exhibit C. No previous application for the relief sought herein has been

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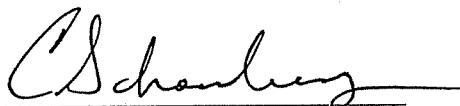
is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

made.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

WHEREFORE, the United States respectfully requests that this Court enter the attached Order.

Dated: New York, New York  
May 4, 2015

  
CARINA H. SCHOENBERGER  
Assistant United States Attorney

## EXHIBIT A

Copy

*"Year of the Consolidation of the Oral Justice".*

--- LETTER ROGATORY. ---

THE CITIZEN, MASTER AT LAW, TEÓFILO ABDO KURI, JUDGE FIRST OF FAMILY AFFAIRS IN MEXICO CITY, FEDERAL DISTRICT, TO YOU REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE, OF THE UNITED STATES OF AMERICA, AT CALIFORNIA, TO WHOM I HAVE THE HONOR TO ADDRESS BY THIS LETTER ROGATORY. -----

-----I I N F O R M.-----  
THAT IN THE COURT RECORDS OF THE CIVIL ORDINARY TRIAL, DIVORCE INITIATED BY MONDRAGÓN MIER LAURA, AGAINST JAIME GERARDO CARPENTER MIER, FILE NUMBER 2064/13, ORDER WAS GIVEN TO SEND THIS LETTER ROGATORY FOR THE PURPOSE THAT YOU SEND A COURTEOUS OFFICIAL NOTIFICATION TO THE ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION NAMED MORGAN, STANLEY, DOMICILED AT 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025, IN THE UNITED STATES OF AMERICA FOR WITHIN A TERM OF TEN DAYS INFORM THIS COURT. IF THE ACCOUNT ACTIVE ASSETS ACCAUT, UNDER NUMBER 233-19208 [REDACTED], THE HOLDER IS THE RESPONDENT JAIME GERARDO CARPENTER MIER, AND IN THE EVENT THAT IS AFFIRMATIVE, THE ACCOUNT STATEMENT OF SAID PORTFOLIO:

THE ABOVE BASED ON THE FOLLOWING EVIDENCES:--

REQUIRING AUTHORITY

JUDGE FIRST OF FAMILY AFFAIRS OF THE SUPERIOR COURT OF JUSTICE OF THE FEDERAL DISTRICT, DOMICILED AT AVENIDA JUÁREZ NÚMERO OCHO, TERCER PISO, COLONIA CENTRO, DELEGACIÓN CUAUHTÉMOC, CÓDIGO POSTAL 06010 IN MEXICO CITY, FEDERAL DISTRICT.

REQUIRED AUTHORITY

DEPARTMENT OF JUSTICE OF THE UNITED STATES OF AMERICA.

It bears a stamp with the Mexican Coat of arms,  
Which legible part reads:  
Superior Court of Justice of the Federal district  
Mexican United States



**PARTIES' IDENTITY:**

**LAURA MONDRAGÓN MIER**, AS ACTING PARTY IN THIS TRIAL, WITH LEGAL DOMICILE AT CALLE LA FONTAINE NÚMERO 50, COLONIA CHAPULTEPEC POLANCO, DELEGACIÓN MIGUEL HIDALGO, CP 11560, IN MEXICO CITY, FEDERAL DISTRICT.

**JAIME GERARDO CARPENTER MIER**, AS RESPONDENT IN THIS TRIAL, WITH LEGAL DOMICILE AT DESPACHO 8, SEGUNDO PISO DE AVENIDA NUEVO LEÓN 192, COLONIA HIPÓDROMO CONDESA, CP 06170, DELEGACIÓN CUAUHTÉMOC, IN THIS CITY.

**NATURE, PURPOSE AND GLOBAL EXPOSITION OF MOTIVES OF THE INSTANCE**

TRIAL: CIVIL ORDINARY, DIVORCE.

IT IS REQUESTED BY LAURA MONDRAGÓN MIER, THE LEGAL CONTRACTUAL RELATIONSHIP OF DIVORCE, WHICH CURRENTLY JOINTS HER WITH JAIME GERARDO CARPENTER MIER. IN ATTENTION TO THE FACTS NARRATED BY THE ACTING PARTY IN HER INITIAL WRIT OF REQUEST FOR DIVORCE, THIS COURT ORDERED TO REQUIRE THE UNITED STATES OF AMERICA DEPARTMENT OF JUSTICE, FOR IT TO SEND COURTEOUS OFFICIAL NOTIFICATION TO THE ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION NAMED MORGAN, STANLEY, DOMICILED AT 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025, IN THE UNITED STATES OF AMERICA, FOR WITHIN THE TERM OF TEN DAYS IT REPORTS TO THIS COURT, IF THE ACCOUNT ACTIVE ASSETS ACCAUT, UNDER NUMBER 233-19208 [REDACTED]. THE HOLDER IS THE RESPONDENT JAIME GERARDO CARPENTER MIER, AND IF AFFIRMATIVE THE ACCOUNT STATEMENT OF SAID PORTFOLIO.

[IT BEARS AN ILLEGIBLE STAMP WITH THE  
MEXICAN COAT OF ARMS]

IT BEARS A STAMP WITH THE MEXICAN COAT OF ARMS THAT READS:  
MEXICAN UNITED STATES  
SUPERIOR COURT OF JUSTICE OF THE FEDERAL DISTRICT  
MEXICO  
COURT ONE OF FAMILY AFFAIRS

**INSTRUCTION ACTS TO CARRY OUT**

The court records dated December eleven, two thousand thirteen, November five, two thousand thirteen and June six, two thousand fourteen, wherein it is ordered to send courteous LETTER ROGATORY TO THE UNITED STATES OF AMERICA DEPARTMENT OF JUSTICE, FOR IT TO SEND COURTEOUS OFFICIAL NOTIFICATION TO THE ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION NAMED MORGAN, STANLEY, DOMICILED AT 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025, IN THE UNITED STATES OF AMERICA, FOR WITHIN THE TERM OF TEN DAYS, INFORM THIS COURT IF THE ACCOUNT ACTIVE ASSETS ACCAUT, UNDER NUMBER 233-19208 [REDACTED], THE HOLDER IS THE RESPONDENT



JAIME GERARDO CARPENTER MIER AND, IF AFFIRMATIVE, THE ACCOUNT STATEMENT OF SAID PORTFOLIO:

DOMICILE TO SEND THE OFFICIAL NOTIFICATION: 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025 IN THE UNITED STATES OF AMERICA.

COURT RECORDS THAT ORDER THE SENDING OF OFFICIAL NOTIFICATION TO THE ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION NAMED MORGAN, STANLEY

Mexico, Federal District, January twenty, two thousand fifteen.-

To its court records the writ in question of the acting party, as requested, send letters rogatory to comply with the ordered in court records dated November five, December eleven thousand thirteen and June six two thousand fourteen, pursuant to articles 1,2,3 and 9 of the La Hague Agreement on the obtaining of proofs abroad regarding civil or commercial matters. As authorized the professionals indicated pursuant to paragraphs 4 and 7 of article 112 of the civil procedures Code, and as revoked the professionals mentioned before.-Notify that.-it was provided and signed by Judge One of Family Affairs, Master TEÓFILO ABDO KURI and Secretary of Agreements, Attorney MARÍA TERESA ANDUAGA IBARRA.- In witness whereof.-----

-----RUBRICS-----

Mexico, Federal District, June six, two thousand fourteen.-

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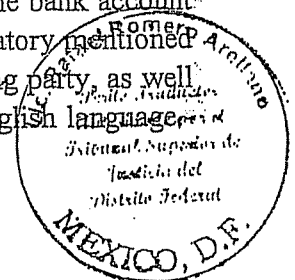
To its court records the writ in question of the acting party; based on its contents, send again *letter rogatory pursuant to the ordered in court records, dated November 5 and December 5, two thousand thirteen, and inserting the necessary inserts.*- Notify that.-it was provided and signed by Judge One of Family Affairs, Master TEÓFILO ABDO KURI and Secretary of Agreements, Attorney MARÍA TERESA ANDUAGA IBARRA.- In witness whereof.-----

[IT BEARS A STAMP WITH THE MEXICAN COAT OF ARMS THAT READS:  
MEXICAN UNITED STATES  
SUPERIOR COURT OF JUSTICE OF THE FEDERAL DISTRICT  
MEXICO  
COURT ONE OF FAMILY AFFAIRS]

-----RUBRICS-----

Mexico, Federal District, December eleven, two thousand thirteen.-

To its court records the writ in question of the acting party, whereby she is deemed as fulfilling within time and form, the file consultation ordered in the court record dated December 6 of the current year, based on its contents, *send again letter rogatory to the Central Authority of the United States of America, which is the United States of America Department of Justice*, in order that through it, in the assistance of the tasks of this court, it sends official notification to the Attorney-in-fact of the financial institution named Morgan, Stanley, for within the term of TEN DAYS, reports to this court if the account Active Assets Accaut, under number 233-19208, the holder is the respondent Jaime Gerardo Carpenter Mier, and if affirmative, the bank account of said portfolio, and also proceed to freeze the same, attaching to the letter rogatory mentioned above the data that refers the acting party, and also making available to the acting party, as well as the attachments accompanied to the same, for those to be translated into English language.





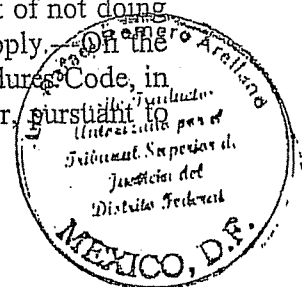
Notify that: It was provided and signed by the Judge One of Family Affairs, Master TEÓFILO ABDO KURI and Secretary of Agreements, Attorney MARÍA TERESA ANDUAGA IBARRA.-  
In witness whereof.

IT BEARS A STAMP WITH THE MEXICAN COAT OF ARMS THAT READS:  
MEXICAN UNITED STATES  
SUPERIOR COURT OF JUSTICE OF THE FEDERAL DISTRICT  
MEXICO  
COURT ONE OF FAMILY AFFAIRS

-----R U B R I C S-----

**Mexico, Federal District, November five, two thousand thirteen.-**

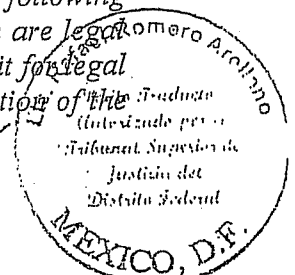
To the court records the writ in question of the acting party, whereby she is deemed as fulfilling the warning ordered in the court records.- It is deemed as presented to MONDRAGÓN MIER LAURA, claiming by the Civil Ordinary via the DIVORCE and its legal consequences to which reference is made in the lawsuit, which is accepted for process, based on articles 156, section XII, 255, 256, 259, 260 and the other related of the Civil Procedures Code for the Federal District, by PERSONAL SERVICE and with the delivery of the simple copies shown, serve notice and summon the respondent party, JAIME GERARDO CARPENTER MIER, for within the term of FIFTEEN DAYS produces his answer, warned that if it does not do so, it will be deemed that the lawsuit was answered in negative sense, based on the last paragraph of article 271 of the procedural Code on the matter.- - Based on article 282, section I of the Civil Code, it is decreed the provisional separation of the spouses. As requested by the acting party, based on section III, of the legal precept invoked above, send official notification to the Public Registry of the Property and Commerce of the Federal District, for them to proceed to annotate the lawsuit on the property that the acting party mentions in her initial writ. Also, send official notification to the: ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION NAMED MORGAN STANLEY, for within the term of TEN DAYS, report to this Court, if in the account ACTIVE ASSETS ACCAUNT, UNDER NUMBER 233-19208 [REDACTED], JAIME GERARDO CARPENTER MIER is the holder, and if affirmative, report the account statement of said portfolio, and as the domicile of said institution is in the State of California of the United States of America, send Letter Rogatory through the Ministry of Foreign Affairs, for through it, it is sent to the competent Judge of that jurisdiction, in order for that in assistance to the tasks of this court, he sends the official notification mentioned above. Also, send official notification to the ATTORNEY-IN-FACT OF THE FINANCIAL INSTITUTION BBVA BANCOMER, S.A. INSTITUCIÓN DE BANCA MÚLTIPLE, GRUPO FINANCIERO BBVA BANCOMER, for within the term of EIGHT DAYS, report to this Court the requested by the acting party, warned that if not doing so, it will be imposed a fine in the amount of THREE THOUSAND THREE HUNDRED PESOS for contempt of court order, based on article 73, section I of the Civil Procedures Code. Based on article 282 A, section IV of the Civil Code, JAIME GERARDO CARPENTER MIER is informed about the revocation of the order that was granted to him by the acting party, LAURA MONDRAGÓN MIER, by a power, as well as any other instrument that had entitled it to carry out on it's behalf any juridical act, without limiting the above, and in order to safeguard the safety and integrity of the acting party, paying attention that the members of the family have the right to develop in an environment of respect to their physical, psycho-emotional, economic and sexual integrity; JAIME GERARDO CARPENTER MIER is warned, for him to fulfill his obligation to refrain from conducts that generate family violence, and refrain from causing damages to the acting party in her person and in her relevant property, warning it that in the event of not doing so, it will be imposed an enforcement procedure that pursuant to the law may apply. On the other hand, based on the provided by articles 940 and 941 of the of the Civil Procedures Code, in order to decree the provisional alimony that the acting party requests in her favor, pursuant to





article 114, section VIII of the mentioned Code, require JAIME GERARDO CARPENTER MIER, for within the term of THREE DAYS, he states under oath to tell the truth, the source and amount of his income, warned that if it does not do so, he will be imposed a fine in the amount of THREE THOUSAND THREE HUNDRED PESOS FOR CONTEMPT OF A COURT ORDER, based on article 73 section I of the Civil Procedures Code. With the agreement that the acting party attaches to its initial writ, make it available for the respondent, for at the time of answering the lawsuit, states his agreement, and if any, shows his counterproposal. It is informed to the petitioner that, if applicable, it will be proceeded to the ordered in article 272-B of the Civil Procedures Code.- In the understanding that regarding clauses ONE, THREE, EIGHT, it is informed to the acting party that taking into consideration that from the certified copies of the birth certificates of her daughters, it is inferred that to this date, they are of legal age, they have their rights to enforce them regarding the alimony, consequently, at the time of issuing the sentence, that will not be qualified and preserving their rights for them to enforce them by the corresponding means and form; likewise, in regards to clauses SEVEN and ELEVEN of said agreement, those will be qualified only regarding the alimony requested by the acting party, not in relation to her daughters procreated in the marriage, for the reasons mentioned above. -- For Offered the proofs that she refers to, which are reserved to be accepted at the opportune procedural moment.- - For appointed the domicile to listen and receive notifications, and as authorized the professionals indicated pursuant to the terms of the seven paragraph of article 112 of the Civil Procedures Code.- - - LIKEWISE, THE ACTING PARTY IS INFORMED THAT BASED ON ARTICLE 114, section VIII of the Civil Procedures Code, SHE WILL BE SERVED BY JUDICIAL BULLETIN ALL NOTIFICATION, INCLUDING THE ONES OF PERSONAL NATURE.

"The parties are informed that the Superior Court of Justice of the Federal District, motivated by the interest that the individuals who have some litigation, having other option to solve their conflict, provide the mediation services through the Alternative Justice Center, where they will be attended at no cost, the mediation is not a legal advice, but a form of constructive dialog between the parties, conducted by a neutral impartial third party. The Center is located at Avenida Niños Héroes 133, Colonia Doctores, Delegación Cuauhtémoc, Distrito Federal, Código Postal 06720, phone 5134-11-00 exts. 1460 and 2362, Servicio de Mediación Civil Mercantil (*Mercantile Civil Mediation Service*): 5207-25-84 and 5208-33-49 or to the e-mail mediación.fam@tsjdf.gob.mx.- - Servicio de Mediación Familiar (*Family Mediation Service*) 5514-2860 and 5514-5822.- The above based on the provided by articles 2, 5, 6, paragraphs First and Second and 9, section VII of the Alternative Justice Law of the Superior Court of Justice of the Federal District".- Based on the provided by articles 13, section XIV, 23 and 25 of the Law of Transparency and Access to the Public information of the Federal District, and to the Resolution 14-02/04 of the Council Plenary, the interested parties are warned for within the term of THREE DAYS, they state their acceptance to publish their personal data, in the understanding that if they fail to fulfill said warning, that will constitute their negation, and it shall be understood as personal data, all information regarding the private life of the individuals, based on article 4, sections II and IX of the mentioned Law.- *On the other hand, based on the rules and Regulations of the Institutional System of Archives of the Superior Court of Justice and of the Judicature Council of the Federal District, published in the judicial bulleting of that justice agency, on July twelve of the current year, the parties are informed, for the legal effects that may apply, the content of the following articles: 26.- Independently from the Law of Archives, in our Procedural Codes there are legal concepts as: expiration, res judicata, abandonment of action, improper venue, time limit for legal action, etc., created and through which it may be proceeded to the debugging-elimination of the*



files that are maintained in the archives. 27.- The files that are in the Judicial Archive which lack of historical, juridical and legal value in accordance to the criteria established in this rules and regulations, may be destroyed, previous publication made in the Judicial Bulletin and Official Gazette of the Federal District, and 28.- In new issues, the Judge, in the acceptance court record that he issues in the file will inform the parties that, upon concluding the issue, it shall be proceeded to the destruction of same, as provided in the third paragraph of this article. For affairs under process, upon the trial is concluded, the judge will provide the applicable to inform the parties that the file will be destroyed within the term set out in the third paragraph of this article. The interested parties who have submitted proofs, samples, documents in the trials already concluded, and which destruction is ordered, they shall attend to the court in which the trial was located, to apply for the devolution of their documentation, within the term of six months computed from the relevant notification.- NOTIFY THAT. It was provided and signed by the Judge First of Family Affairs, MASTER TEÓFILO ABDO KURI, assisted by the Secretary of Agreements "B", which authorizes and certifies. In witness whereof. -----

RUBRICS -----

AUTHORIZED INDIVIDUALS: MANUEL GUTIÉRREZ DE LA PEZA and JOAQUÍN REUS ALTAMIRANO. -----

AND REGARDING MY ORDER HAVING ITS MOST ACCURATE AND EXACT PERFORMANCE, ON BEHALF OF THE JUDICIAL SOVEREIGNTY, I REQUIRE YOU THROUGH THIS LETTER ROGATOR, AND FROM MY PART I BEG YOU THAT AS SOON AS THIS IS IN YOUR HANDS, SEND IT TO BE PROCESSED PURSUANT TO ITS TERMS, BEING SURE OF MY RECIPROCITY IN ANALOGOUS CASES, AND WHENEVER IT WERE REQUIRED. GRANTED IN MEXICO CITY, FEDERAL DISTRICT, ON JANUARY TWENTY NINE, TWO THOUSAND FIFTEEN.- IN WITNESS WHEREOF. -----

THE JUDGE ONE OF FAMILY AFFAIRS  
OF THE FEDERAL DISTRICT

[ILLEGIBLE SIGNATURE]  
MASTER TEÓFILO ABDO KURI.

[IT BEARS A STAMP WITH THE MEXICAN COAT  
OF ARMS THAT READS:  
MEXICAN UNITED STATES  
SUPERIOR COURT OF JUSTICE OF THE  
FEDERAL DISTRICT  
MEXICO  
COURT ONE OF FAMILY AFFAIRS

THE SECRETARY OF AGREEMENTS "B"

[ILLEGIBLE SIGNATURE]

ATTORNEY MARÍA TERESA ANDUAGA IBARRA

Rafael Romero Arellano, duly authorized by the Superior Court of Justice of the Federal District, hereby certify to the best of my knowledge that the above is a true and correct translation of the document in Spanish I had at my sight. Mexico City, Federal District, February 13, 2015.





Copy

*"Año de la Consolidación de la Justicia Oral"*

**--- CARTA ROGATORIA ---**

EL CIUDADANO MAESTRO EN DERECHO TEÓFILO ABDO KURI, JUEZ PRIMERO DE LO FAMILIAR DE LA CIUDAD DE MÉXICO DISTRITO FEDERAL A USTED REPRESENTANTE DEL DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA, EN CALIFORNIA, A QUIEN TENGO EL HONOR DE DIRIGIRME MEDIANTE ESTA ROGATORIA. -----

-----HAGO SABER-----  
QUE EN LOS AUTOS DEL JUICIO ORDINARIO CIVIL, DIVORCIO PROMOVIDO POR MONDRAGÓN MIER LAURA EN CONTRA DE JAIME GERARDO CARPENTER MIER, EXPEDIENTE NÚMERO 2064/13, SE ORDENÓ DIRIGIR ÉSTA PARA LOS EFECTOS DE QUE SE SIRVA GIRAR ATENTO OFICIO AL C. REPRESENTANTE LEGAL DE LA INSTITUCIÓN FINANCIERA DENOMINADA MORGAN, STANLEY, CON DOMICILIO EN 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025 EN ESTADOS UNIDOS DE AMÉRICA PARA QUE EN EL TÉRMINO DE DIEZ DÍAS INFORME A ESTE JUZGADO SI LA CUENTA ACTIVE ASSETS ACCAUT, BAJO EL NÚMERO 233-19208 [REDACTED] EL TITULAR ES EL DEMANDADO JAIME GERARDO CARPENTER MIER Y EN CASO AFIRMATIVO EL ESTADO DE CUENTA DE DICHO PORTAFOLIO.

LO ANTERIOR EN BASE A LAS SIGUIENTES CONSTANCIAS: --

**AUTORIDAD REQUIRENTE**

C. JUEZ PRIMERO DE LO FAMILIAR DEL TRIBUNAL SUPERIOR DE JUSTICIA DEL DISTRITO FEDERAL, CON DOMICILIO EN AVENIDA JUÁREZ NUMERO OCHO, TERCER PISO COLONIA CENTRO, DELEGACIÓN CUAUHTÉMOC, CÓDIGO POSTAL 06010 EN LA CIUDAD DE MÉXICO DISTRITO FEDERAL.



**AUTORIDAD REQUERIDA**

**JUZGADO PRIMERO  
DE LO FAMILIAR**

DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA.

**IDENTIDAD DE LAS PARTES:**

**LA C. LAURA MONDRAGÓN MIER EN SU CARÁCTER DE ACTORA EN EL PRESENTE JUICIO, QUIEN TIENE SU DOMICILIO LEGAL EN CALLE LA FONTAINE NÚMERO 50, COLONIA CHAPULTEPEC POLANCO, DELEGACIÓN MIGUEL HIDALGO, CP 11560 EN MÉXICO DISTRITO FEDERAL.**

**EL C. JAIME GERARDO CARPENTER MIER EN SU CARÁCTER DE DEMANDADO EN EL PRESENTE JUICIO, CON DOMICILIO LEGAL EN EL DESPACHO 8, SEGUNDO PISO DE AVENIDA NUEVO LEÓN 192, COLONIA HIPÓDROMO CONDESA, CP 06170, DELEGACIÓN CUAUHTÉMOC EN ESTA CIUDAD.**

**NATURALEZA, OBJETO Y EXPOSICIÓN GLOBAL DE MOTIVOS DE LA INSTANCIA**

**JUICIO: ORDINARIO CIVIL, DIVORCIO.**

**SE SOLICITA POR PARTE DE LA C. LAURA MONDRAGÓN MIER EL VINCULO JURÍDICO DE DIVORCIO QUE ACTUALMENTE LA UNE CON EL C. JAIME GERARDO CARPENTER MIER. ATENDIENDO A LOS HECHOS NARRADOS POR LA PARTE ACTORA EN SU ESCRITO INICIAL DE SOLICITUD DE DIVORCIO, ESTE JUZGADO ORDENÓ REQUERIR AL DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA PARA QUE SE SIRVA GIRAR ATENTO OFICIO AL C. REPRESENTANTE LEGAL DE LA INSTITUCIÓN FINANCIERA DENOMINADA MORGAN, STANLEY, CON DOMICILIO EN 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025 EN ESTADOS UNIDOS DE AMÉRICA PARA QUE EN EL TÉRMINO DE DIEZ DÍAS INFORME A ESTE JUZGADO SI LA CUENTA ACTIVE ASSETS ACCAUT, BAJO EL NÚMERO 233-19208 EL TITULAR ES EL DEMANDADO JAIME GERARDO CARPENTER MIER Y EN CASO AFIRMATIVO EL ESTADO DE CUENTA DE DICHO PORTAFOLIO.**



**ACTOS DE INSTRUCCIÓN A REALIZAR**

**Los autos de fecha once de diciembre del dos mil trece, cinco de noviembre del dos mil trece y seis de junio de dos mil catorce en el cual se ordena girar atenta CARTA ROGATORIA al DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA PARA QUE SE SIRVA GIRAR ATENTO OFICIO AL C. REPRESENTANTE LEGAL DE LA INSTITUCIÓN FINANCIERA DENOMINADA MORGAN, STANLEY, CON DOMICILIO EN 2775 SAND HILL ROAD SUITE 120, MENLO PARK, CA, 94025 EN ESTADOS UNIDOS DE AMÉRICA PARA QUE EN EL TÉRMINO DE DIEZ DÍAS INFORME A ESTE JUZGADO SI LA CUENTA ACTIVE ASSETS ACCAUT, BAJO EL NÚMERO 233-19208 EL TITULAR ES EL**



DOMICILIO PARA GIRAR EL OFICIO: 2775 SAND HILL ROAD SUITE  
120, MENLO PARK, CA, 94025 EN ESTADOS UNIDOS DE AMÉRICA

**AUTOS QUE ORDENAN GIRAR OFICIO AL REPRESENTANTE LEGAL  
DE LA INSTITUCIÓN FINANCIERA DENOMINADA MORGAN, STANLEY**

México, Distrito Federal, a veinte de enero del año dos mil quince.-

A sus autos el escrito de cuenta de la promovente, como lo solicita gírese carta rogatoria a fin de dar cumplimiento a lo ordenado en auto de fecha cinco de noviembre, once de diciembre del dos mil trece y seis de junio del dos mil catorce, en los términos a que se refieren los artículos 1, 2, 3 y 9 del convenio de la Haya sobre la obtención de pruebas en el extranjero en materia civil o comercial.- Por autorizados los profesionistas que indica en términos de los párrafos cuarto y séptimo del artículo 112 del Código de Procedimientos Civiles y por revocados a los profesionistas señalados con anterioridad.- Notifíquese.- Lo proveyó y firma el C. Juez Primero de lo Familiar Maestro TEÓFILO ABDO KURI y Secretaria de Acuerdos Licenciada MARÍA TERESA ANDUAGA IBARRA.- Doy fe.-

----- R U B R I C A S -----

México, Distrito Federal, a seis de junio del año dos mil catorce.-

A sus autos el escrito de cuenta del promovente, en razón de su contenido librese de nueva cuenta carta rogatoria en los términos ordenados en autos de fecha cinco de noviembre y cinco de diciembre del año dos mil trece, debiéndose insertar los insertos necesarios.- Notifíquese.- Lo proveyó y firma el C. Juez Primero de lo Familiar Maestro TEÓFILO ABDO KURI y Secretaria de Acuerdos Licenciada MARÍA TERESA ANDUAGA IBARRA.- Doy fe.-

----- R U B R I C A S -----

México, Distrito Federal, a once de diciembre del año dos mil trece.-

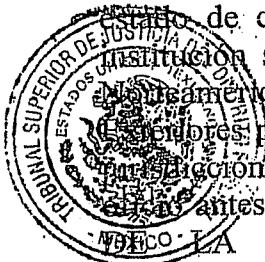
A sus autos el escrito de cuenta de la promovente, por el que se le tiene desahogando en tiempo y forma la vista ordenada en auto de fecha seis de diciembre del año en curso, en razón de su contenido *gírese de nueva cuenta carta rogatoria a la Autoridad Central de los Estados Unidos de América que lo es el Departamento de Justicia de los Estados Unidos de América* a fin de que por su conducto en auxilio de las labores de este juzgado se sirva girar oficio al C. Representante Legal de la institución financiera denominada Morgan, Stanley, para que en el término de DIEZ DÍAS informe a este juzgado si la cuenta Active Assets Accaut, bajo el número 233-19208 el titular es el demandado Jaime Gerardo Carpenter Mier y en caso afirmativo el estado de cuenta de dicho portafolio y asimismo proceda a congelar la misma, debiéndose insertar a la carta rogatoria antes mencionada los datos que refiere el promovente y asimismo deberá de ponerse a disposición de la actora así como los anexos que se acompañan a la misma para que sean traducidos al idioma inglés.- Notifíquese.- Lo proveyó y firma el C. Juez Primero de lo Familiar Maestro TEÓFILO ABDO KURI y Secretaria de Acuerdos Licenciada MARÍA TERESA

ANDUAGA IBARRA.- Doy fe.-

-----RUBRICAS-----

**México, Distrito Federal, a cinco de noviembre de dos mil trece.-**

A los autos el escrito de cuenta de la promovente, por el que se le tiene desahogando la prevención ordenada en autos.- Se tiene por presentado a la C. MONDRAGON MIER LAURA, demandando en la Vía Ordinaria Civil el DIVORCIO y sus consecuencias legales a que se refiere en la demanda misma que se admite a trámite con fundamento en los artículos 156 fracción XII, 255, 256, 259, 260 y demás relativos del Código de Procedimientos Civiles para el Distrito Federal. por medio de NOTIFICACIÓN PERSONAL y con la entrega de las copias simples exhibidas, córrase traslado y emplácese a la parte demandada JAIME GERARDO CARPENTER MIER, para que en el término de QUINCE DÍAS produzca su contestación, apercibida que de no hacerlo se tendrá por contestada la demanda en sentido negativo, con fundamento en el último párrafo del artículo 271 del Código procesal de la materia.- Con fundamento en el artículo 282 fracción I del Código Civil, se decreta la separación provisional de los cónyuges. Como lo solicita la promovente, con fundamento en la fracción III del Precepto Legal antes invocado, gírese oficio al Registro Público de Propiedad y del Comercio del Distrito Federal, a fin de que procedan a inscribir la demanda en los inmuebles que refiere la promovente en su escrito inicial. Así mismo gírese oficio al C. REPRESENTANTE LEGAL DE LA INSTITUCION FINANCIERA DENOMINADA MORGAN STANLEY, para que en el término de DIEZ DIAS informe a este Juzgado si la cuenta ACTIVE ASSETS ACCAUNT, BAJO EL NUMERO 233-19208 se encuentra como titular el C. JAIME GERARDO CARPENTER MIER, y en caso afirmativo informe el estado de cuenta de dicho portafolio, y toda vez que el domicilio de dicha institución se encuentra en el Estado de California de los Estados Unidos de Norteamérica, gírese Carta Rogatoria por conducto de la Secretaria de Relaciones Exteriores para que con su conducto sea remitido al C. Juez competente de esa jurisdicción para que en auxilio de las labores de este juzgado se sirva girar el oficio antes señalado. Así mismo gírese oficio al C. REPRESENTANTE LEGAL DE LA INSTITUCION FINANCIERA BBVA BANCOMER, S.A. INSTITUCION DE BANCA MULTIPLE, GRUPO FINANCIERO BBVA BANCOMER para que en el término de OCHO DIAS informe a este Juzgado lo solicitado por la promovente apercibido que de no hacerlo se le impondrá una multa por la cantidad de TRES MIL TRESCIENTOS PESOS por desacato un mandado judicial, con fundamento en el artículo 73 fracción I del Código de Procedimientos Civiles. Con fundamento en el artículo 282 A fracción IV del Código Civil, se hace saber al C. JAIME GERARDO CARPENTER MIER, la revocación del mandato que le otorgó la promovente LAURA MONDRAGON MIER, mediante un poder, así como cualquier otro instrumento que le haya facultado a realizar a su nombre cualquier acto jurídico., sin perjuicio de lo anterior y con el fin de salvaguardar la seguridad e integridad de la parte actora, atendiendo a que los integrantes de la familia tienen derecho a desarrollarse en un ambiente de respeto a su integridad física, psicoemocional, económica y sexual; se previene al C. JAIME GERARDO CARPENTER MIER, para que cumpla con su obligación de evitar conductas que generen violencia familiar, y se abstenga de causar daños y perjuicios a la parte actora en su persona y en sus respectivos bienes, apercibido que en caso de no hacerlo así se le impondrá una medida de apremio que conforme a derecho proceda.--Por otra parte con apoyo en lo dispuesto por artículos 940 y 941 del Código de Procedimientos Civiles a fin de



**JUZGADO PRIMERO  
DE LO FAMILIAR**



decretar la pensión alimenticia provisional que solicita la parte actora a su favor en términos del artículo 114 fracción VIII del Código en cita, requiérase al C. JAIME GERARDO CARPENTER MIER, para que en el término de TRES DIAS manifieste bajo protesta de decir verdad fuente y monto de sus ingresos apercibido que de no hacerlo se le impondrá una multa por la cantidad de TRES MIL TRESECIENTOS PESOS POR DESACATO A UN MANDATO JUDICIAL con fundamento en el artículo 73 fracción I del Código de Procedimientos Civiles. Con el convenio que acompaña la promovente a su escrito inicial dese vista a la demandada para que al momento de contestar la demanda manifieste su conformidad y en su caso exhiba su contrapropuesta. Se hace notar a la ocurrente que en su caso se procederá a lo ordenado en el artículo 272-B del Código de Procedimientos Civiles.- En el entendido de que respecto a las cláusulas PRIMERA, TERCERA, OCTAVA, se hace notar a la promovente que tomando en consideración que de las copias certificadas de las actas de nacimiento de sus hijas, se desprende que a la fecha las mismas son mayores de edad, tienen expeditos sus derechos para hacerlos valer en lo que respecta a la pensión alimenticia, consecuentemente no se calificaran al momento de dictarse sentencia, dejándose a salvo sus derechos para que los hagan valer en la vía y forma que corresponde; así mismo en relación a las cláusulas SÉPTIMA y DECIMA PRIMERA de dicho convenio, únicamente se calificaran en cuanto a la pensión alimenticia que solicita la actora, no así en relación a la de las hijas procreadas dentro del matrimonio por las razones antes referidas. -- Por Ofrecidas las pruebas que refiere, las cuales se reservan para ser admitidas en el momento procesal oportuno. -- Por señalado el domicilio para recibir notificaciones y por autorizados los profesionistas que indica en los párrafos del párrafo séptimo del artículo 112 del Código de Procedimientos Civiles. -- ASIMISMO SE HACE NOTAR A LA PROMOVENTE QUE CON FUNDAMENTO EN EL ARTÍCULO 114 fracción VIII del Código de Procedimientos Civiles, LE SURTIRAN POR BOLETIN JUDICIAL, TODAS LAS NOTIFICACIONES AUN LAS DE CARÁCTER PERSONAL. "Se hace del conocimiento de las partes que el Tribunal Superior de Justicia del Distrito Federal, motivado por el interés de que las personas que tienen algún litigio cuenten con otra opción para solucionar su conflicto, proporciona los servicios de mediación a través del Centro de Justicia Alternativa, donde se les atenderá en forma gratuita, la mediación no es asesoría jurídica, sino una forma de diálogo constructivo entre las partes, conducido por un tercero neutral imparcial. El Centro se encuentra ubicado en Avenida Niños Héroes 133, Colonia Doctores, Delegación Cuauhtémoc, Distrito Federal, Código Postal 06720, con el teléfono 5134-11-00 exts 1460 y 2362, Servicio de Mediación Civil Mercantil: 5207-25-84 y 5208-33-49 o al correo electrónico mediación.fam@tsjdf.gob.mx.-- Servicio de Mediación Familiar 5514-2860 y 5514-5822.- Lo anterior con fundamento en lo dispuesto en los artículos 2, 5, 6, párrafos Primero y Segundo y 9 fracción VII de la Ley de Justicia Alternativa del Tribunal Superior de Justicia del Distrito Federal".- Con fundamento en lo dispuesto por los artículos 13 fracción XIV, 23 y 25 de la Ley de Transparencia y Acceso a la información Pública del Distrito Federal, y al Acuerdo 14-02/04 del Pleno del Consejo, se previene a los interesados, para que dentro del término de TRES DÍAS, manifiesten su consentimiento para publicar sus datos personales, en el entendido que la omisión a desahogar dicha prevención, constituirá su negativa, debiéndose entender como dato personal toda información relativa a la vida privada de las personas, con base en el artículo 4 fracciones II y IX de la Ley invocada.- Por otro lado, con apoyo en el



GUZGADO  
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Reglamento de Sistema Institucional de Archivos del Tribunal Superior de Justicia y del Consejo de la Judicatura del Distrito Federal, publicado en el boletín judicial de este órgano de justicia, el doce de julio del año en curso, se les ha saber a las partes para los efectos legales a que haya lugar, el contenido de los siguientes artículos: 26.- Con independencia de la Ley de Archivos, en nuestros Códigos Procesales existen figuras jurídicas como: la caducidad, cosa juzgada, desistimiento, incompetencia, prescripción, etc., creadas a través de las cuales puede procederse a la depuración-eliminación de los expedientes que se encuentran resguardados en los archivos. 27.- Los expedientes que se encuentran en el Archivo Judicial que carezcan de valor histórico, jurídico y legal conforme a los criterios establecidos en este reglamento, podrán ser destruidos, previa publicación que se lleve a cabo en el Boletín Judicial y Gaceta Oficial del Distrito Federal. y 28.- En asuntos nuevos, el Juzgador, en el auto admisorio que se sirva dictar en el expediente, hará del conocimiento de las partes que, una vez que concluya el asunto, se procederá a la destrucción del mismo; en el término que señala en el tercer párrafo de este artículo. En asuntos en trámite una vez concluido el juicio, el juzgador proveerá lo conducente para hacer saber a las partes que el expediente será destruido en el término que se señala en el tercer párrafo del presente artículo. Las partes interesadas que hayan presentado pruebas, muestras, documentos en los juicios ya concluidos y se ordene su destrucción deberán acudir al juzgado en el que se radicó el juicio a solicitar la devolución de sus documentos; dentro del término de seis meses contados a partir de la respectiva notificación.- NOTIFÍQUESE. Lo proveyó y firma el C. Juez Primero de lo Familiar MAESTRO TEÓFILO ABDO KURI, asistido de la C. Secretaria de Acuerdos "B" que autoriza y da fe. Doy fe -----

----- RUBRICAS -----

**PERSONAS AUTORIZADAS: MANUEL GUTIÉRREZ DE LA PEZA y JOAQUÍN REUS ALTAMIRANO.** -----

Y PARA LO QUE POR MI MANDATO TENGA SU MAS FIEL Y EXACTO CUMPLIMIENTO, EN NOMBRE DE LA SOBERANÍA JUDICIAL, LO REQUIERO A TRAVÉS DE LA PRESENTE CARTA ROGATORIA Y DE MI PARTE LE SUPlico QUE TAN PRONTO COMO EL PRESENTE ESTE EN SU PODER SE SIRVA MANDARLO DILIGENCIAR EN SUS TÉRMINOS, SEGURO DE MI RECIPROCIDAD EN CASOS ANÁLOGOS Y PARA CUANDO FUERE REQUERIDO. DADO EN LA CIUDAD DE MÉXICO, DISTRITO FEDERAL A LOS VEINTINUEVE DÍAS DEL MES DE ENERO DEL AÑO DOS MIL QUINCE.- DOY FE. -----

**EL C. JUEZ PRIMERO FAMILIAR  
DEL DISTRITO FEDERAL.**

**MTRO. TEÓFILO ABDO KURI.**



**JUEZ PRIMERO  
DE LO FAMILIAR**

**LA C. SECRETARIA DE ACUERDOS "B"**

**LIC. MARÍA TERESA ANDUAGA IBARRA.**

## EXHIBIT B

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE: LETTER ROGATORY FOR INTERNATIONAL )  
 JUDICIAL ASSISTANCE FROM THE FIRST FAMILY )  
 JUDGE OF THE SUPERIOR COURT OF JUSTICE OF )  
 THE FEDERAL DISTRICT IN MEXICO, IN THE MATTER )  
 OF MONDRAGON MIER LAURA v. JAIME GERARDO )  
 CARPENTER MIER )

Civil Action No. M 11-120

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Morgan Stanley, Attn: Kelly Rodriguez, Legal Compliance Department  
 485 Lexington Avenue, 11th Floor, New York, NY 10017

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Pursuant to the letter rogatory attached as Rider A.

Place: U.S. Attorney's Office, Southern District of New York  
 86 Chambers Street, 3rd Floor, New York, NY 10007

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk\_\_\_\_\_  
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) U.S.A. on behalf of  
the 1st Family Judge of the Superior Court of Justice in Mexico, who issues or requests this subpoena, are:  
 Carina H. Schoenberger, Assistant United States Attorney, U.S. Attorney's Office for the Southern District of New York,  
 86 Chambers Street, 3rd Floor, New York, NY 10007. Email: [carina.schoenberger@usdoj.gov](mailto:carina.schoenberger@usdoj.gov). Tel.: 212-637-2822

**Notice to the person who issues or requests this subpoena**

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. M 11-120

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* Morgan Stanley

on *(date)* \_\_\_\_\_

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Rider A

INTERROGATORY

1. Whether the holder of account number 233-192087-232 is Jaime Gerardo Carpenter Mier.

DOCUMENT REQUEST

1. The account statement for account number 233-192087-232 if that account is held by Jaime Gerardo Carpenter Mier.

## EXHIBIT C

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: : *EX PARTE ORDER*  
:   
LETTER ROGATORY FOR : M 11-120  
INTERNATIONAL JUDICIAL :  
ASSISTANCE FROM THE FIRST :  
FAMILY JUDGE OF THE SUPERIOR :  
COURT OF JUSTICE OF THE FEDERAL :  
DISTRICT IN MEXICO, IN THE MATTER:   
OF MONDRAGON MIER LAURA v. :  
JAIME GERARDO CARPENTER MIER :  
:   
-----X

WHEREAS, the United States of America, by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, on behalf of the First Family Judge of the Superior Court of Justice of the Federal District in Mexico, is seeking to obtain information from Morgan Stanley, in New York, New York, for use in connection with a judicial proceeding pending in that court captioned "Mondragon Mier Laura v. Jaime Gerardo Carpenter Mier";

NOW THEREFORE, it is hereby ORDERED, pursuant to 28 U.S.C. § 1782(a) and Rule 28(a) of the Federal Rules of Civil Procedure, that Carina H. Schoenberger, Assistant United States Attorney, Southern District of New York, be and hereby is appointed as Commissioner, to take such lawful steps as are necessary to obtain information from Morgan Stanley and to submit said information to the United States Attorney for the Southern District of New York for transmission to the United States Department of Justice or its designee.

IT IS FURTHER ORDERED that the United States Attorney's Office shall serve Morgan Stanley with a copy of this Order and the accompanying documents.

Dated: New York, New York  
, 2015

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE